

# **Exhibit 5**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re

CUSTOMS AND TAX ADMINISTRATION  
OF THE KINGDOM OF DENMARK  
(SKATTEFORVALTNINGEN) TAX REFUND  
SCHEME LITIGATION

MASTER DOCKET

18-md-2865 (LAK)

This document relates to:

19-cv-01785; 19-cv-01781; 19-cv-01783;  
19-cv-01794; 19-cv-01798; 19-cv-01922;  
19-cv-01800; 19-cv-01788; 19-cv-01870;  
19-cv-01791; 19-cv-01792; 19-cv-01928;  
19-cv-01926; 19-cv-01929; 19-cv-01803;  
19-cv-01806; 19-cv-01801; 19-cv-01808;  
19-cv-01810; 19-cv-01809; 18-cv-04833;  
19-cv-01812; 19-cv-01813; 19-cv-01815;  
19-cv-01818; 19-cv-01931; 19-cv-01918;  
19-cv-10713.

**JUDGMENT**

**WHEREAS**, after a Jury Trial before the Honorable Lewis A. Kaplan, United States District Judge, it is hereby

**ORDERED, ADJUDGED, AND DECREED** that Plaintiff Skatteforvaltningen (“SKAT”) has judgment against the defendants Richard Markowitz and John van Merkenstijn, as set forth in Annex A, on SKAT’s fraud and negligent misrepresentation tort claims in the amounts listed in the column titled Fraud and Negligence Tort Claims, plus prejudgment interest in the amounts listed in the column titled Prejudgment Interest, less the amounts credited against the judgment as listed in the column titled Credits Against Judgment pursuant to New York General Obligations Law § 15-108, for a total judgment on each of those claims, as listed in the column titled Fraud and Negligence Tort Claims Judgment Totals; and it is further

**ORDERED, ADJUDGED, AND DECREED** that SKAT has judgment against the defendant Richard Markowitz on SKAT's ~~unjust enrichment, money had and received, and payment by mistake~~ ~~restitution~~ claims in the sum of \$23,622,010, ~~plus prejudgment interest in the amount of \$18,459,807.54, for a total judgment of \$42,081,817.54 on those claims~~; and that SKAT has judgment against the defendant John van Merkenstijn on SKAT's ~~unjust enrichment, money had and received, and payment by mistake~~ ~~restitution~~ claims in the sum of \$22,802,586, ~~plus prejudgment interest in the amount of \$17,712,994.93, for a total judgment of \$40,515,580.93 on those claims~~; and it is further

**ORDERED, ADJUDGED, AND DECREED** that because SKAT's judgment for its ~~fraud and negligent misrepresentation tort~~ claims exceeds and includes SKAT's judgment for its ~~unjust enrichment, money had and received, and payment by mistake~~ ~~restitution~~ claims, the Clerk of Court is directed to enter judgment in favor of SKAT in the amount of \$[ ] as to defendant Richard Markowitz, plus interest to accrue thereon at the rate prescribed by 28 U.S.C § 1961, and in the amount of \$[ ] as to defendant John van Merkenstijn, plus interest to accrue thereon at the rate prescribed by 28 U.S.C § 1961; and it is further

**ORDERED, ADJUDGED, AND DECREED** that, without affecting the finality of this final order in any respect, the Court hereby reserves jurisdiction over such matters as may properly come before the Court, including enforcement of the judgment.

DATED: New York, New York

February , 2025

**SO ORDERED:**

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**Lewis A. Kaplan**  
**United States District Judge**

**TAMMI M. HELLWIG**

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**Clerk of Court**

**BY:**

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**Deputy Clerk**

## ANNEXA

Case Name & Number	Defendant(s)	Fraud and Negligence Tort Claims (USD)	Prejudgment Interest (USD)	Credits Against Judgment (USD)	Fraud and Negligence Tort Claims Judgment Totals (USD)
<i>Skatteforvaltningen v. Albedo Management LLC Roth 401(K) Plan, Joseph Herman, Avanix Management LLC, RAK Investment Trust, Richard Markowitz, and Robert Klugman, Case No. 19-cv-01785-LAK (S.D.N.Y.)</i>	Richard Markowitz	\$9,598,765.38	\$8,305,167.38		
<i>Skatteforvaltningen v. Ballast Ventures LLC Roth 401(K) Plan, Joseph Herman, Cavus Systems LLC, RAK Investment Trust, Richard Markowitz, and Robert Klugman, Case No. 19-cv-01781-LAK (S.D.N.Y.)</i>	Richard Markowitz	\$3,939,897.66	\$3,408,928.99		
<i>Skatteforvaltningen v. Bareroot Capital Investments LLC Roth 401(K) Plan, David Zelman, RAK Investment Trust, Routt Capital Trust, Richard Markowitz, and Robert Klugman, Case No. 19-cv-01783-LAK (S.D.N.Y.)</i>	Richard Markowitz	\$4,025,691.17	\$3,543,571.61		

<i>Skatteforvaltningen v. Battu Holdings LLC Roth 401K Plan, David Zelman, Omineca Trust, John van Merkensteijn, RAK Investment Trust, and Robert A. Klugman, Case No. 19-cv-01794-LAK (S.D.N.Y.)</i>	John van Merkensteijn	\$9,654,410.72	<b>\$8,473,136.63</b>		
<i>Skatteforvaltningen v. Cantata Industries LLC Roth 401(K) Plan, David Zelman, John van Merkensteijn, RAK Investment Trust, Omineca Trust, and Robert Klugman, Case No. 19-cv-01798-LAK (S.D.N.Y.)</i>	John van Merkensteijn	\$6,771,820.84	<b>\$5,956,241.28</b>		
<i>Skatteforvaltningen v. Cedar Hill Capital Investments LLC Roth 401(K) Plan, Edwin Miller, RAK Investment Trust, Routt Capital Trust, Richard Markowitz, and Robert Klugman, Case No. 19-cv-01922-LAK (S.D.N.Y.)</i>	Richard Markowitz	\$6,815,522.40	<b>\$5,996,888.47</b>		
<i>Skatteforvaltningen v. Crucible Ventures LLC Roth 401(K) Plan, Ronald Altbach, John van Merkensteijn, RAK Investment Trust, Omineca Trust, and Robert Klugman, Case No. 19-cv-01800-LAK (S.D.N.Y.)</i>	John van Merkensteijn	\$6,627,830.11	<b>\$5,830,832.84</b>		

<i>Skatteforvaltningen v. Dicot Technologies LLC Roth 401(K) Plan, David Zelman, John van Merkensteijn, Omineca Trust, RAK Investment Trust, and Robert Klugman, Case No. 19-cv-01788-LAK (S.D.N.Y.)</i>	John van Merkensteijn	\$3,904,186.20	<a href="#"><b>\$3,436,595.32</b></a>		
<i>Skatteforvaltningen v. Eclouge Industry LLC Roth 401(K) Plan, Perry Lerner, RAK Investment Trust, Routt Capital Trust, Richard Markowitz, and Robert Klugman, Case No. 19-cv-01870-LAK (S.D.N.Y.)</i>	Richard Markowitz	\$6,730,325.60	<a href="#"><b>\$5,915,015.41</b></a>		
<i>Skatteforvaltningen v. Fairlie Investments LLC Roth 401(K) Plan, Joseph Herman, Hadron Industries LLC, RAK Investment Trust, Richard Markowitz, and Robert Klugman, Case No. 19-cv-01791-LAK (S.D.N.Y.)</i>	Richard Markowitz	\$4,046,861.72	<a href="#"><b>\$3,549,838.55</b></a>		
<i>Skatteforvaltningen v. First Ascent Worldwide LLC Roth 401(K) Plan, Perry Lerner, RAK Investment Trust, Routt Capital Trust, Robert Klugman, and Richard Markowitz, Case No. 19-cv-01792-LAK (S.D.N.Y.)</i>	Richard Markowitz	\$3,735,523.21	<a href="#"><b>\$3,285,890.23</b></a>		
<i>Skatteforvaltningen v. Fulcrum Productions LLC Roth 401(K) Plan, Edwin Miller, RAK Investment Trust, Robert Klugman, John van Merkensteijn, and Omineca Trust, Case No. 19-cv-01928-LAK (S.D.N.Y.)</i>	John van Merkensteijn	\$3,748,637.00	<a href="#"><b>\$3,306,710.17</b></a>		

<i>Skatteforvaltningen v. Green Scale Management LLC Roth 401(K) Plan, Edwin Miller, RAK Investment Trust, Routt Capital Trust, Robert Klugman, and Richard Markowitz, Case No. 19-cv-01926-LAK (S.D.N.Y.)</i>	Richard Markowitz	\$9,621,165.23	<b>\$8,442,777.05</b>		
<i>Skatteforvaltningen v. Keystone Technologies LLC Roth 401(K) Plan, Edwin Miller, RAK Investment Trust, Robert Klugman, Routt Capital Trust, and Richard Markowitz, Case No. 19-cv-01929-LAK (S.D.N.Y.)</i>	Richard Markowitz	\$6,677,543.70	<b>\$5,829,565.24</b>		
<i>Skatteforvaltningen v. Limelight Global Productions LLC Roth 401(K) Plan, Ronald Altbach, Robert Klugman, RAK Investment Trust, Omineca Trust, and John van Merkensteijn, Case No. 19-cv-01803-LAK (S.D.N.Y.)</i>	John van Merkensteijn	\$3,886,666.08	<b>\$3,420,079.73</b>		
<i>Skatteforvaltningen v. Loggerhead Services LLC Roth 401(K) Plan, Perry Lerner, RAK Investment Trust, Richard Markowitz, Robert Klugman, and Routt Capital Trust, Case No. 19-cv-01806-LAK (S.D.N.Y.)</i>	Richard Markowitz	\$9,585,006.61	<b>\$8,412,955.98</b>		
<i>Skatteforvaltningen v. Monomer Industries LLC Roth 401(K) Plan, Robin Jones, John van Merkensteijn, Omineca Trust, RAK Investment Trust, and Robert Klugman, Case No. 19-cv-01801-LAK (S.D.N.Y.)</i>	John van Merkensteijn	\$6,928,507.31	<b>\$6,023,810.16</b>		

<i>Skatteforvaltningen v. PAB Facilities Global LLC Roth 401(K) Plan, Perry Lerner, RAK Investment Trust, Richard Markowitz, Robert Klugman, and Routt Capital Trust, Case No. 19-cv-01808-LAK (S.D.N.Y.)</i>	Richard Markowitz	\$207,041.72	<b>\$189,298.52</b>		
<i>Skatteforvaltningen v. Pinax Holdings LLC Roth 401(K) Plan, Robin Jones, John van Merkensteijn, Omineca Trust, RAK Investment Trust, and Robert Klugman, Case No. 19-cv-01810-LAK (S.D.N.Y.)</i>	John van Merkensteijn	\$4,058,021.27	<b>\$3,511,133.42</b>		
<i>Skatteforvaltningen v. Plumrose Industries LLC Roth 401K Plan, Ronald Altbach, John van Merkensteijn, Omineca Trust, RAK Investment Trust, and Robert Klugman, Case No. 19-cv-01809-LAK (S.D.N.Y.)</i>	John van Merkensteijn	\$6,692,975.41	<b>\$5,877,287.80</b>		
<i>Skatteforvaltningen v. Raubritter LLC Pension Plan, Richard Markowitz, and John van Merkensteijn, Case No. 18-cv-04833-LAK (S.D.N.Y.)</i>	Richard Markowitz, John van Merkensteijn	\$8,333,675.56	<b>\$8,376,222.34</b>		

<i>Skatteforvaltningen v. Roadcraft Technologies LLC Roth 401(K) Plan, Ronald Altbach, RAK Investment Trust, Richard Markowitz, Robert Klugman, and Routt Capital Trust, Case No. 19-cv-01812-LAK (S.D.N.Y.)</i>	Richard Markowitz	\$9,468,365.55	<b>\$8,212,009.43</b>		
<i>Skatteforvaltningen v. Sternway Logistics LLC Roth 401(K) Plan, Robin Jones, John van Merkensteijn, Omineca Trust, RAK Investment Trust, and Robert Klugman, Case No. 19-cv-01813-LAK (S.D.N.Y.)</i>	John van Merkensteijn	\$4,010,512.19	<b>\$3,488,767.17</b>		
<i>Skatteforvaltningen v. Trailing Edge Productions LLC Roth 401(K) Plan, Perry Lerner, RAK Investment Trust, Richard Markowitz, Robert Klugman, and Routt Capital Trust, Case No. 19-cv-01815-LAK (S.D.N.Y.)</i>	Richard Markowitz	\$3,929,146.63	<b>\$3,456,297.37</b>		
<i>Skatteforvaltningen v. True Wind Investments LLC Roth 401(K) Plan, Ronald Altbach, John van Merkensteijn, Omineca Trust, RAK Investment Trust, and Robert Klugman, Case No. 19-cv-01818-LAK (S.D.N.Y.)</i>	John van Merkensteijn	\$4,086,093.44	<b>\$3,593,029.31</b>		

<i>Skatteforvaltningen v. Tumba Systems LLC Roth 401(K) Plan, Edwin Miller, John van Merkensteijn, Omineca Trust, RAK Investment Trust, and Robert Klugman, Case No. 19-cv-01931-LAK(S.D.N.Y.)</i>	John van Merkensteijn	\$3,930,691.93	<b>\$3,447,774.91</b>		
<i>Skatteforvaltningen v. Vanderlee Technologies Pension Plan, David Zelman, John van Merkensteijn, Omineca Trust, RAK Investment Trust, Robert Klugman, and Vanderlee Technologies Pension Plan Trust, Case No. 19-cv-01918-LAK (S.D.N.Y.)</i>	John van Merkensteijn	\$13,424,609.84	<b>\$12,097,328.81</b>		
<i>Skatteforvaltningen v. John van Merkensteijn, Richard Markowitz, Bernina Pension Plan Trust, RJM Capital Pension Plan Trust, 2321 Capital Pension Plan, Bowline Management Pension Plan, Clove Pension Plan, Davin Investments Pension Plan, Delvian LLC Pension Plan, DFL Investments Pension Plan, Laegeler Asset Management Pension Plan, Lion Advisory Inc. Pension Plan, Mill River Capital Management Pension Plan, Next Level Pension Plan, Rajan Investments LLC Pension Plan, Spirit on the Water Pension Plan, and Traden Investments Pension Plan, Case No. 19-cv-10713-LAK (S.D.N.Y.)</i>	Richard Markowitz, John van Merkensteijn	\$114,227,720.04	<b>\$114,581,629.36</b>		